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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,360	05/27/1999	MICHAEL F. GUHEEN	AND1P101	6371

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EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/321,360

Applicant(s)

GUHEEN ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 10/3/02, the following is a final rejection. Claims 1-18 are pending in this application and have been examined on the merits. Claims 1, 7 and 13 have been amended. The previous office action has only been modified according to the amendment filed 10/3/02.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 7, 10, 11, 13, 16, 17 are rejected under 35 U.S.C. 103(a) as being obvious over Rassman, et al (US Patent 4,937,743).

As per claims 1, 7, 13, Rassman, et al discloses:

displaying a pictorial representation of an existing system including a plurality of components, (Col. 2, lines 59-65, Col. 14, lines 13-16, Fig. 7, [resources 123, 233, 224]);

presenting a first set of components of a system for providing a web architecture framework, the first set of components being indicia coded to indicate that they are to be delivered in a first phase, (Col. 14, lines 12-16 and Fig. 7, where the components

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[represented by resources] for the first phase are indicia coded by the vertical rectangles labeled "Y" One for phase one)

presenting a second set of components of a system for providing a web architecture framework, the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in a second phase...(Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled "Y" Two for phase two);

The following is obvious with Rassman, et al's system because since he teaches that his method is carried out in a computer system, computer programs using code segments and logic is absolutely necessary for the computer to successfully process information and produce results:

A computer program...

a code segment...

logic...

The following is also obvious with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be obvious to conclude that hardware and software components of web architecture can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

As per claims 2, 8, 14, Rassman, et al discloses:

wherein a legend is presented which defines the indicia coding...(Col. 7, lines 11-18, Col. 8, lines 5-7 [indicia is being used to define an item]).

As per claims 4, 10, 16 Rassman, et al discloses:

wherein the components of the existing system are selected from the group of components including...customer-related services...(Col. 4, lines 36-42, Col. 5, lines 51-53, [hospital services are customer-related where the patient is the customer]).

As per claims 5, 11, 17, Rassman, et al discloses:

wherein the indicia coding is selected from the group of indicia coding including texture coding, color coding...(Col. 6, lines 11-5).

4. Claims 3, 6, 9, 12, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassman, et al (US Patent 4,937,743) as applied to claims 1, 7 and 13 above, and further in view of Turnbull (US Patent 5,208,765).

As per claims 3, 9, 15, Rassman, et al fails to teach the following, however Turnbull discloses:

wherein the components of the existing system are selected from the group of components including...operation services and developer services...(Col. 2, lines 27-30).

It would have been obvious to one of ordinary skill in the art to select the components of the system from the group of components including...operation services and developer

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services because in order to fulfill services, the delivery of components or resources are necessary.

As per claims 6, 12, 18, Rassman, et al fails to teach the following, however Turnbull discloses:

wherein the existing system is a web...(Col. 2, lines 39-43, [wide area network]).

It would have been obvious to one of ordinary skill in the art for the existing system to be a web architecture framework because these types of networks are commonly used in order to deliver information to a wide variety of people.

As per claims 3, 6, 9, 12, 15, and 18 , the following is obvious with Rassman, et al since this patent discloses the "management of a plurality of interrelated and interdependent resources using a computer system". In Web technology, a web architecture framework consists of a plurality of interrelated and interdependent computer resources, both hardware and software. It would therefore be obvious to conclude that hardware and software components of web architecture can be managed and visually represented as described in Rassman:

a system for providing a web architecture framework...

### ***Response to Arguments***

5. Applicant's arguments filed 10/3/02 have been fully considered but they are not persuasive.

The examiner has carefully reviewed the amendments as well as the issues discussed during the interview on 10/3/02, however, the combination of Rassman et al

and Turnbull still read on the claimed invention as discussed in the rejection above and the discussion below.

The applicant has amended independent claims 1, 7 and 13 to recite that “the first set of components” are “indicia coded to indicate that they are to be delivered in a first phase” and “the second set of components” are “indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in a second phase.” Because of this amendment, the applicant argues that neither Rassman, et al or Turnbull do not teach or suggest the claimed invention. However, Rassman, et al alone discloses using indicia coding to present sets of components of a system for providing a web architecture framework that are to be delivered in phases since Rassman, et al teaches the management of resources and the display of these resources for several phases. Looking at Figure 7, Rassman, et al shows a first, second and third phase of Project Y. Here, the display shows that Project Y uses Resource 123 and 223 for Phase One and Two and Resource 224 for Phase Three. Here, the examiner is interpreting the “Resources” of Rassman, et al as the components of the present invention. In this scenario, the resources used for different phases are represented by the vertical rectangles labeled “X” One, “Y” One, “X” Two and “Y” Two. In this case, the vertical rectangles represent the indicia coding for the resources during these different phases. As described in Rassman et al in Col 7, lines 51-55, indicia such as scheduling indicators can be represented by these vertical rectangles. In addition, “Rassman, et al also discloses reference states in the abstract that “Indicia can be made to appear on

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the display to provide visual identification of symbols as well as information about scheduling, status and conflicts involving the resources”.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday, 8:30 am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238



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[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
May 19, 2003



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600